

1

2

3

4

5

6

7

8

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

9

San Francisco Division

10

11 STACIA STINER, et al.,

Case No. 17-cv-03962-HSG (LB)

12 Plaintiffs,

13 v.

**ORDER REGARDING DISCOVERY
DISPUTE**

14 BROOKDALE SENIOR LIVING, INC., et al.,

RE: ECF NO. 318

15 Defendants.

16

17 The parties dispute whether the plaintiffs must produce the unlocked computer files that their
18 expert relied on. The court can decide the dispute without oral argument and grants the
19 defendants' motion for the files. N.D. Civ. L. R. 7-(b). The plaintiffs say that the files are
20 proprietary. (Letter Brief – ECF No. 218 at 4–5.) To the extent that they are (and the defendants
21 contest the point because they are not requesting source code, instead ask for formulas and
22 calculations, and have a license for the software, *id.* at 3), the protective order addresses the issue.
23 Also, the plaintiffs object because they produced operable data in “text file and spreadsheet
24 format” and offer their expert's assistance with technical questions. But that format does not allow
25 the defendants to see or test the expert's methodology. (*Id.* at 1–4.) The court orders the discovery.

26

27

28

Recognizing that the court might order production, the plaintiffs asked that the defendants
limit who can examine the data, strictly limit non-litigation use of the code, and disclose any
alterations they make to the MedModel programming or logic before any expert deposition to give

1 the plaintiffs fair notice and an opportunity to prepare responsive arguments. The defendants did
2 not oppose the measures, and the court grants them.

3 **IT IS SO ORDERED.**

4 Dated: October 31, 2021



5 LAUREL BEELER
6 United States Magistrate Judge